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Water Policy Interim Committee

65th Montana Legislature

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March 2, 2018

To: Water Policy Interim Committee Members
From: Erin Bills, Legal Staff
Re: Legislative Administrative Rule Review Report

MAR NOTICE NUMBER: 12-480

AGENCY/BOARD: Department of Fish, Wildlife, and Parks

RULE CLASSIFICATION: Substantive

SUBJECT: Pilot program for Aquatic Invasive Species (AIS) in the Flathead Basin

NOTICE DESCRIPTION: Notice of public hearing on proposed adoption

SUMMARY OF RULE(S): The Department of Fish, Wildlife and Parks (FWP) is proposing to adopt one rule pertaining to the pilot program for AIS in the Flathead Basin.

The FWP proposes to adopt New Rule I which outlines an additional layer of protection to prevent the transport and introduction of AIS in the Flathead Basin by requiring vessels and equipment traveling into the Flathead Basin that have been used on waters outside the Flathead Basin to be inspected at a department inspection station prior to launching within the Flathead Basin. Section 80-7-1027, MCA, established the Upper Columbia pilot program to address AIS issues in the Flathead Basin. The FWP may adopt rules for the Flathead Basin requiring inspection of all vessels before they are launched.¹

NOTES: Hearings were held on the above-referenced rule on February 6, 2018, at the Fish, Wildlife, and Parks Region 1 Office, 490 North Meridian Road, Kalispell, Montana, and the Fish, Wildlife, and Parks Region 2 Office, 3201 Spurgin Road, Missoula, Montana. Public comment was received until February 9, 2018.

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¹Mont. Code Ann. § 80-7-1027(5)(a) (2017).